

122903

17621 U.S. PTO

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. § 1.53(b))

Attorney Docket No. 01-43 C1 Total Pages 64

First Named Inventor or Application Identifier

FUDGE et al.

Title Pulse Oximetry Sensor and Dispensing Method

Express Mail Label No. EV 196252598 US

22387 U.S. PTO
10/148074

122903

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

1. ☒ Fee Transmittal Form
(Submit an original, and a duplicate for fee processing)
2. ☒ Specification [Total Pages 27]
(preferred arrangement set forth below)
-Descriptive Title of the Invention
-Cross References to Related Applications
-Statement Regarding Fed sponsored R & D
-Background of the Invention
-Brief Summary of the Invention
-Brief Description of the Drawings (if filed)
-Detailed Description
-Claim(s)
-Abstract of the Disclosure
3. ☒ Drawing(s) (35 U.S.C. § 113) [Total Sheets 9]
4. ☒ Oath or Declaration [Total Pages 2]
 - a. ☐ Newly executed (original or copy)
 - b. ☒ Copy from a prior application (37 C.F.R. § 1.63(d))
(for continuation/divisional with Boxes 19 and 20 completed)
[Note Box 5 below]
 - i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).
 - c. ☐ Unsigned
5. ☒ Incorporation By Reference (useable if Box 4b is checked)
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☒ Application Data Sheet per 37 C.F.R. § 1.76
[Total Pages 2]

7. DOMESTIC/INTERNATIONAL priority is claimed under 35 U.S.C. § 119(e)/120/365(c) based on the following provisional, nonprovisional, and/or PCT international applications.

	Application No.	Filing Date
(1)	10/242,866	September 13, 2002
(2)	60/322,724	September 17, 2001
(3)		
(4)		

8. ☒ Prior application is assigned to Respironics Novamatrix, Inc. by Assignment recorded September 13, 2002 Reel 013290 Frame(s) 0700.

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
(Please return recorded assignment to the undersigned)
10. ☐ 37 C.F.R. § 3.73(b) Statement ☐ Power of Attorney
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment (to be entered before calculating fees)
14. ☒ Return Receipt Postcard
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☒ Certificate of Mailing by Express Mail
17. ☐ Non-publication Request and Cert. under 35 U.S.C. § 122(b)(2)(B)(i) (attach copy of RI-186 Form (PTO/SB/35)).
18. ☒ Other: Formal Drawings

19. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No. 10/242,866

Prior application Information: Examiner: Winakur, E. Group/ArtUnit: 3736

21. CORRESPONDENCE ADDRESS

Customer No.

30031

Name	Michael W. Haas	Reg. No.	35,174
Signature	<i>Michael W. Haas</i>	Date	December 29, 2003

FEE TRANSMITTAL

(Effective 10/01/2003)


Application Number	Not Yet Assigned
Filing Date	December 29, 2003
First Named Inventor	FUDGE et al.
Confirmation Number	Unknown
Group Art Unit	Unknown
Examiner's Name	Unknown
Attorney Docket No.	01-43 C1

"Express Mail" Label No. EV 196252598 US

TOTAL AMOUNT OF PAYMENT \$

METHOD OF PAYMENT		FEE CALCULATION (continued)																																																																																																																																																																																
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to: Deposit Account Number: <u>50-0558</u> Deposit Account Name: <u>Respironics, Inc.</u> <input checked="" type="checkbox"/> Charge any additional fee required under 37 C.F.R. §§ 1.16, 1.17 and 1.20 <input type="checkbox"/> Charge the Issue Fee set forth in 37 C.F.R. § 1.18		3. ADDITIONAL FEES																																																																																																																																																																																
2. <input type="checkbox"/> Payment Enclosed: Check (Check No. <u> </u>)		<table border="1"> <thead> <tr> <th>Large Fee Code</th> <th>Entity Fee (\$)</th> <th>Small Fee Code</th> <th>Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or declaration</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or or cover sheet</td><td></td></tr> <tr><td>1811</td><td>100</td><td>1811</td><td>100</td><td>Certificate of Correction</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>576</td><td>25</td><td>576</td><td>25</td><td>Additional filing receipt, duplicate or corrected due to applicant error</td><td></td></tr> <tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for response within first month</td><td></td></tr> <tr><td>1252</td><td>420</td><td>2252</td><td>210</td><td>Extension for response within second month</td><td></td></tr> <tr><td>1253</td><td>950</td><td>2253</td><td>475</td><td>Extension for response within third month</td><td></td></tr> <tr><td>1254</td><td>1,480</td><td>2254</td><td>740</td><td>Extension for response within fourth month</td><td></td></tr> <tr><td>1255</td><td>2,010</td><td>2255</td><td>1,005</td><td>Extension for response within fifth month</td><td></td></tr> <tr><td>1401</td><td>330</td><td>2401</td><td>165</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>330</td><td>2402</td><td>165</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>290</td><td>2403</td><td>145</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1,510</td><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive unavoidably abandoned application</td><td></td></tr> <tr><td>1453</td><td>1,330</td><td>2453</td><td>665</td><td>Petition to revive unintentionally abandoned application</td><td></td></tr> <tr><td>1501</td><td>1,330</td><td>2501</td><td>665</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1502</td><td>480</td><td>2502</td><td>240</td><td>Design issue fee</td><td></td></tr> <tr><td>1814</td><td>110</td><td>2814</td><td>55</td><td>Statutory Disclaimer</td><td></td></tr> <tr><td>1460</td><td>130</td><td>1460</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Petitions related to provisional applications</td><td></td></tr> <tr><td>1806</td><td>180</td><td>1806</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of property)</td><td></td></tr> <tr><td>1809</td><td>770</td><td>2809</td><td>385</td><td>Filing a submission after final rejection (37 C.F.R. § 1.129(a))</td><td></td></tr> <tr><td>1801</td><td>770</td><td>2801</td><td>385</td><td>Request for Continued Examination</td><td></td></tr> <tr><td colspan="5">Other Fee (specify) _____</td><td></td></tr> <tr> <td colspan="2">SUBTOTAL (1)</td> <td colspan="2">\$ 770.00</td> <td colspan="2">SUBTOTAL (3)</td> <td>\$ 0.00</td> </tr> </tbody> </table>		Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid	1051	130	2051	65	Surcharge - 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SUBMITTED BY

Typed or Printed Name	Michael W. Haas	Reg. Number	35,174
Signature		Date	December 29, 2003
		Deposit Account Number	50-0558

Certificate of Mailing by "Express Mail"

EV 196252598 US

"Express Mail" label number

December 29, 2003

Date of Deposit

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Signature of person mailing correspondence

Michael W. Haas

Typed or printed name of person mailing correspondence

Note: Each paper must have its own certificate of mailing by "Express Mail".

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

Inventor : FUDGE et al.
Appln. No. : Not Yet Assigned (CONT. of 10/242,866)
Conf. No.: : Unknown
Filed: : December 29, 2003
Title: : PULSE OXIMETRY SENSOR AND DISPENSING METHOD
Group Art Unit : Unknown
Examiner : Unknown
Docket No. : 01-43 C1

* * * * *

December 29, 2003

FILING OF FORMAL DRAWINGS

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

Please accept herewith the 9 sheets of formal drawings on 8½ x 11 size paper of
Figures 1-15;

- ☒ which are in lieu of the informal drawing(s) filed earlier; and/or
☐ which include the corrections required/approved by the Draftperson/Examiner in PTO
paper no. _____ dated _____.

Each sheet of drawings includes the identifying indicia suggested in 37 C.F.R. § 1.84 (c) on the
reverse side of the drawing.

Respectfully submitted,

By Michael W. Haas

Michael W. Haas
Reg. No.: 35,174
Tel. No.: (724) 387-5026
Fax No.: (274) 387-5021

RESPIRONICS INC
1010 Murry Ridge Lane
Murrysville, PA 15668

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the
United States Postal Service on December 29, 2003 with sufficient postage as "Express Mail Post Office to
Addressee" in an envelope addressed to:

Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450.
"Express Mail" mailing number: EV 196252598 US.

Michael W. Haas
Michael W. Haas, Reg. No. 35,174